

23 Reqd PCT/PTO 18 SEP 1998
#3
08/981824

FORM PTO-1390 (REV 5-93)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. P564-7029
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		DATE: September 18, 1998
		U.S. APPLN. NO. (IF KNOWN, SEE 37 CFR 1.5) 08/981,824
INTERNATIONAL APPLICATION NO. PCT/EP96/03093	INTERNATIONAL FILING DATE 15 JULY 1996	PRIORITY DATE CLAIMED 14 JULY 1995
TITLE OF INVENTION: AUTOREACTIVE PEPTIDES FROM HUMAN GLUTAMIC ACID DECARBOXYLASE (GAD)		
APPLICANT(S) FOR DO/EO/US: Josef ENDL, Peter STAHL, Winfried ALBERT, Dolores SCHENDEL, Christian BOITARD, Peter VAN ENDERT, Günther-Gerhard JUNG		
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> A proper demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <input type="checkbox"/> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> b. <input type="checkbox"/> has been transmitted by the International Bureau. <input type="checkbox"/> c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <input type="checkbox"/> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> b. <input type="checkbox"/> have been transmitted by the International Bureau. <input type="checkbox"/> c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input checked="" type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11. to 16. below concern other document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information: Response to Notice to File Missing Parts CHECK NO. 11543</p>		

U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 08/981,824		INTERNATIONAL APPLICATION NO. PCT/US93/11705		ATTORNEY DOCKET NO. P564-7029
				DATE: September 18, 1998
<p>17. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>Basic National Fee (37 CFR 1.492(a)(1)-(5):</p> <p>Search Report has been prepared by the EPO or JPO.....\$930.00 International preliminary examination fee paid to USPTO (37 CFR 1.482)....\$720.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$790.00 Neither international preliminary examination fee (37 CFR 1.482) or international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1,070.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)\$ 98.00</p>				CALCULATIONS PTO USE ONLY
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$
Surcharge of \$130.00 for furnishing the oath or declaration later than <u>XX</u> 20 - 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00
Claims	Number Filed	Number Extra	Rate	
Total Claims	54 - 20 =	34	X \$ 22.00	\$
Independent Claims	02 - 3 =	00	X \$ 82.00	\$
Multiple dependent claim(s) (if applicable)				+\$270.00
TOTAL OF ABOVE CALCULATIONS =				\$130.00
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$
SUBTOTAL =				\$130.00
Processing fee of \$130.00 for furnishing the English translation later the _ 20 _ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$
TOTAL NATIONAL FEE =				\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$40
TOTAL FEES ENCLOSED =				\$170
				Amount to be refunded
				Charged
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$2,230 to cover the above fees and a five month Extension of Time is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>14-1060</u> in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>14-1060</u>.</p>				
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.				
SEND ALL CORRESPONDENCE TO:				
NIKAIDO, MARMELSTEIN, MURRAY AND ORAM Metropolitan Square 655 15th Street, N.W. Suite 330 - G Street Lobby Washington, D.C. 20005-5701 Telephone No. (202) 638-5000				
 Robert B. Murray Reg. No. 22,980				

#3

PTO/PCT Rec'd 18 SEP 1998

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

08/981824

In re application of:

ENDL et al

Serial No.: 08/981,824

Filed: January 14, 1998

For: AUTOREACTIVE PEPTIDES FROM HUMAN GLUTAMIC ACID
DECARBOXYLASE (GAD)**RESPONSE TO NOTICE TO FILE MISSING PARTS**Assistant Commissioner
Washington, D.C. 20231

September 18, 1998

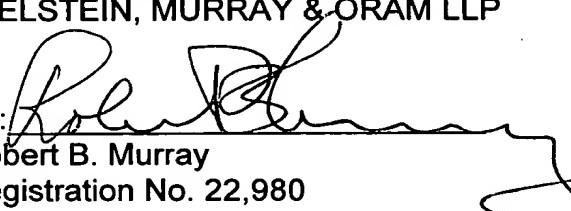
Sir:

In response to the Notice to File Missing Parts of Application dated May 18, 1998, enclosed are executed Declarations for the above-identified patent application. Since the declaration filed with the original application papers was signed by three of the inventors, the enclosed declarations have been signed only by the other four inventors.

A check in the amount of Two Thousand Two Hundred Thirty Dollars (\$2,230) is enclosed to cover the cost of the surcharge for the late filing of the declarations of One Hundred Thirty Dollars (\$130), a five month Extension of Time fee of Two Thousand Sixty Dollars (\$2,060) and the Recordation of Assignment fee of Forty Dollars (\$40).

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fees for any such extension may be charged to our Deposit Account No. 14-1060.

Respectfully submitted,
NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP

By: 
Robert B. Murray
Registration No. 22,980

Atty. Case No.: P564-7029
Metropolitan Square
Suite 330 - G Street Lobby
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RBM/cb

08/981824



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
#3
Box PCT
Washington, D.C. 20231

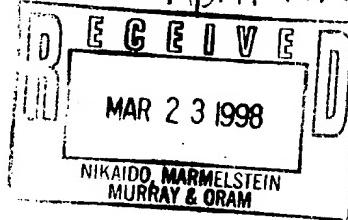
U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/981,824	ENDL	J P564-7029
INTERNATIONAL APPLICATION NO.		
5621 PCT/EP96/03093		
I.A. FILING DATE PRIORITY DATE		
07/15/96 07/14/95		
DATE MAILED: 03/18/98		

NIKAIDO MARMELSTEIN MURRAY AND ORAM
METROPOLITAN SQUARE
655 15TH STREET NW
SUITE 330 C STREET LOBBY
WASHINGTON DC 20005-5701

RBM P 564-7029

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as
- a Designated Office (37 CFR 1.494),
 - an Elected Office (37 CFR 1.495):
- U.S. Basic National Fee.
 - Copy of the international application in:
 - a non-English language.
 - English.
 - Translation of the international application into English.
 - Oath or Declaration of Inventor(s) for DO/EO/US.
 - Copy of Article 19 amendments.
 - Translation of Article 19 amendments into English.
 - The International Preliminary Examination Report in English and its Annexes, if any.
 - Translation of Annexes to the International Preliminary Examination Report into English.
 - Preliminary amendment(s) filed Jan 14, 1998 and _____.
 - Information Disclosure Statement(s) filed Jan. 14, 1998 and _____.
 - Assignment document.
 - Power of Attorney and/or Change of Address.
 - Substitute specification filed _____.
 - Verified Statement Claiming Small Entity Status.
 - Priority Document.
 - Copy of the International Search Report and copies of the references cited therein.
 - Other:



2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation;
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
 - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$_____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

08/981824



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231
[Handwritten mark: HB]

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/981824

ENDL.

J P564-7029

INTERNATIONAL APPLICATION NO.

PCT/EP96/03093

I.A. FILING DATE PRIORITY DATE

07/15/96 07/14/95

DATE MAILED:

08/18/98

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

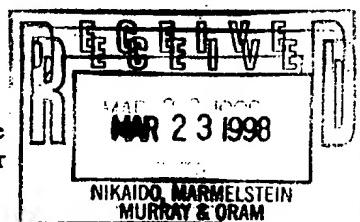
A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- does not identify the specification to which it is directed.
- does not identify the inventor(s).
- does not identify the citizenship of each inventor.
- does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

- does not identify the city and state or city and foreign country of residence or each inventor.
- does not state that the person making the oath or declaration:
 - has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
- does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).



[Signature]
Telephone: (703) 308-9116